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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,330	10/07/2005	Thomas Jatschka	2002P13843WOUS	8651

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER	
NOBILE, DANIEL A	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,330	JATSCHKA, THOMAS	
	Examiner	Art Unit	
	DANIEL NOBILE	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10,15-21 and 23-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10,15-21 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed on August 27, 2009. Claims 10, 15-21, and 23-28 are not pending in this application.

Art Unit – Location Change

2. The Art Unit location of your application in the USPTO has changed from 4125 to 2617. To aid in correlation any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Objections

3. Claim 21 objected to because of the following informalities: The claim limitation "reducing the first transmitting power ... at the first non-reduced transmitting power" is presented twice in the claim. Since the second recitation of the claim limitation does not provide any further limitations to the claim, the claim will be examined as if only one instance of this claim limitation appears in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 10, 15-18, 21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton (U.S. Patent No. 6,148,205 – hereinafter as "Cotton") and in view of IEEE Standard 802.15.1-2002 (hereinafter as "IEEE_802.15").

7. As to claim 10:

a. Cotton teaches a method for the initial registration (col. 2, lines 20-27) of a mobile terminal (col. 2, lines 28-33; Fig. 1 [104]) at an access point of a local communication network (col. 2, lines 28-33; Fig. 1 [102], [100]), the access point having a first radio transmitting (col. 2, line 59; Fig. 2 [216]) and receiving unit (col. 2, lines 59-67; Fig. [218]) operating at a first transmitting power for establishing communication between the mobile terminal and the local communication network (col. 2, lines 20-27), the method comprising:

- detecting the mobile terminal by the access point (col. 5, line 18; Fig. 6 [621]; "request for registration message");

- providing a signaling which includes transmitting to the mobile terminal after the detecting the mobile terminal by the access point (col. 5, line 30; Fig. 7 [712]); instructs the mobile terminal to reduce a second transmission power of a second radio transmitting and receiving unit of the mobile terminal so that a transmit/receive process is only carried out in a near filed of the mobile terminal (col. 5, lines 32-46; Fig. 7 [716]; discloses placing units into a Registration State that operates at low RF power); and

- reducing the first transmitting power of the first radio transmitting and receiving unit after the signaling (col. 5, line 2-3; Fig. 6 [602], [606], [608]; "base station transitions into registration state wherein transmitted RF signal power level is reduced from the operational state"), the first transmitting power is reduced such that the communication between the mobile terminal and the local communication network is enabled exclusively within a near field of the access point (col. 2, line 33-36; Fig. 1 [102], [104]; "for access device to register it must be placed next to the base station"), the near field having a smaller area than a standard enabling area defined by all locations enabling the communication between the mobile terminal and the local communication network when the mobile terminal is present at the locations and the first radio transmitting and receiving unit is operating at the first non-reduced transmitting power (col. 5, line 37-40; Fig. 1 [102], [106]; "other access device not register because it is out of range of the base station").

b. Cotton does not teach

- a first message;

- the first message indicates an artificially received first signal level at the access point, the artificially received first signal level being higher than a signal receiving level actually measured by the access point, the artificially received first signal level formed as a received signal strength indicator value.

c. IEEE_802.15 teaches

- a first message (section 7.3; "power control optimizes output power with LMP commands);

- the first message indicates an artificially received first signal level at the access point, the artificially received first signal level being higher than a signal receiving level actually measured by the access point, the artificially received first signal level formed as a received signal strength indicator value (section 9.3.18; Sequence 41 [LMP_decr_power_req], therefore power control message based on RSSI level; section 7.4.7; Figure 9; "RSSI compares received power with two threshold values", discloses a process to request a power decrease based on a parameter based on a comparison of a RSSI measurement to a threshold value to tell the terminal to increase or decrease it's transmitted output power by sending a parameter that is above it's measured value, therefore an artificially high RSSI value sent to the terminal to decrease it's transmitted output power).

d. At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined IEEE_802.15 RSSI messaging with Cotton's method. The motivation to do so is as follows. The motivation to do so is provided by IEEE-802.15 (section 7.4.7). Power control based on RSSI parameter is part of the Bluetooth standard. Using Bluetooth power control method simplifies system design and has the benefits of using known industry standards to implement this function and allows this power control method to interact with Bluetooth compliant devices and systems.

8. As to claim 15:

a. Cotton in view of IEEE_802.15 teaches the method according to claim 10 (as discussed above) and further teaches instruction for the user to move the mobile

terminal into the near field of the access point (col. 2 line 34-37; "device is moved close to base station and registration occurs").

b. Cotton in view of IEEE_802.15 does not teach wherein the signaling includes a second message comprising an instruction.

c. IEEE_802.15 teaches wherein the signaling includes a second message comprising an instruction (section 9.1; "LMP messages are used for link setup, security and control").

d. At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined IEEE_802.15 RSSI messaging with Cotton's method. The motivation to do so is provided by IEEE-802.15 (Chapter 9). Link management allows for control of the physical link between user and base station which includes power control. Using Bluetooth LM protocols as a second message allows for a second command to reside in the same system functional area as power control which simplifies system design. It also has the benefit of using a known industry standard to implement this function and allows this method to interact with Bluetooth compliant devices and systems.

9. As to claim 16:

a. Cotton in view of IEEE_802.15 teaches the method according to claim 15 (as discussed above).

b. Cotton in view of IEEE_802.15 does not teach wherein the second message is re-transmitted to the mobile terminal if the mobile terminal has not been moved into the near field of the access point within a specified time period after receiving the second

message by the mobile terminal.

c. IEEE_802.15 teaches wherein the second message is re-transmitted to the mobile terminal if the mobile terminal has not been moved into the near field of the access point within a specified time period after receiving the second message by the mobile terminal (section 8.5.3 ARQ Scheme; "packets are retransmitted until acknowledgement ... is returned ... or timeout is exceeded").

d. At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined IEEE_802.15 RSSI messaging with Cotton's method. The motivation to do so is that ARQ is commonly used in data communications and allows for an efficient retransmission scheme. It also has the benefit of using a known industry standard to implement this function and allows this method to interact with Bluetooth compliant devices and systems.

10. As to claim 17

Cotton in view of IEEE_802.15 teaches the method according to claim 16 (as discussed above) and further teaches wherein the reduced first transmission power is increased at least temporarily to a level corresponding to the non-reduced transmission power (col. 5, line 1; Fig. 6 [608]; "registration state ... reduced RF power"; col. 5, lines 10-11; Fig. 6 [606]; "base station changes to operation state"; with non response of terminal, base station reverts to operational transmission power to increase coverage range for retry).

11. As to claim 18

a. Cotton in view of IEEE_802.15 teaches the method according to claim 16 (as

discussed above).

b. Cotton in view of IEEE_802.15 does not teach wherein the second message is repeatedly re-transmitted.

c. IEEE_802.15 teaches wherein the second message is repeatedly re-transmitted (section 8.5.3 ARQ Scheme; "packets are retransmitted until acknowledgement ... is returned ... or timeout is exceeded").

d. At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined IEEE_802.15 RSSI messaging with Cotton's method. The motivation to do so is given in the claim 16 rejection above.

12. As to claim 21

a. Cotton teaches an access point of a local communication network (col. 2, line 31; Fig. 1 [100], [102]).

b. Cotton when combined with IEEE_802.15 teaches the remaining claim limitations as discussed in the claim 10 rejection above. The motivation to combine is the same as the claim 10 rejection above.

13. As to claim 23

a. Cotton in view of IEEE_802.15 teaches the access point according to claim 21 (as discussed above).

b. Cotton when combined with IEEE_802.15 teaches the remaining claim limitations as discussed in the claim 15 rejection above. The motivation to combine is the same as the claim 15 rejection above.

14. As to claim 24

a. Cotton in view of IEEE_802.15 teaches the access point according to claim 23 (as discussed above).

b. Cotton when combined with IEEE_802.15 teaches the remaining claim limitations as discussed in the claim 16 rejection above. The motivation to combine is the same as the claim 16 rejection above.

15. As to claim 25

Cotton in view of IEEE_802.15 teaches the access point according to claim 24 (as discussed above) and teaches the remaining limitations of the claim as discussed n the claim 17 rejection above.

16. As to claim 26

a. Cotton in view of IEEE_802.15 teaches the access point according to claim 24 (as discussed above).

b. Cotton when combined with IEEE_802.15 teaches the remaining claim limitations as discussed in the claim 18 rejection above. The motivation to combine is the same as the claim 16 rejection above.

17. Claims 19, 20, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton (U.S. Patent No. 6,148,205 – hereinafter as "Cotton") and in view of IEEE Standard 802.15.1-2002 (hereinafter as "IEEE_802.15") and in further view of Larson et al. (U.S. Patent No. 6,697,638 - hereinafter as "Larson").

18. As to claim 19:

a. Cotton in view of IEEE_802.15 teaches the method according to claim 10 (as discussed above).

b. Cotton in view of IEEE_802.15 does not teach wherein the first and second transmitting and receiving units operate according to a short-range radio standard.

c. Larson teaches wherein the first and second transmitting and receiving units operate according to a short-range radio standard (col. 2, lines 51-52); "short-range ... wireless standard").

d. At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined Larson's short range standard into Cotton and IEEE_802.15's method. The motivation to do so is provided by Larsson (col. 2, line 50-62). A short-haul standard allows for operation at low transmission power which restricts the range to within a few meters and it also conserves battery life of mobile units. Using a known standard to operate a system, reduces the development cost and shortens the design time to develop a system since it allows the use of commercially available parts and software in the design.

19. As to claim 20:

a. Cotton in view of IEEE_802.15 and in further view of Larson teaches the method according to claim 19 (as discussed above).

b. Cotton in view of IEEE_802.15 and in further view of Larson does not teach wherein the short-range radio standard comprises a Bluetooth specification.

c. Larson teaches wherein the short-range radio standard comprises a Bluetooth specification (col. 2, line 29); "Bluetooth standard").

d. At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined Larson's short range standard into Cotton, IEEE_802.15 and Larson's method. The motivation to do so is provided by Larsson (col. 2, lines 50-62). Bluetooth is a short-haul communication standard and has the advantage of operating in unlicensed bands (2.4GHz) which reduce system development and operating costs since there are no licensing fees to pay.

20. As to claim 27

a. Cotton in view of IEEE_802.15 teaches the access point according to claim 21 (as discussed above).

b. Cotton when combined with IEEE_802.15 and Larson teaches the remaining claim limitations as discussed in the claim 19 rejection above. The motivation to combine is the same as the claim 19 rejection above.

21. As to claim 28

a. Cotton in view of IEEE_802.15 and in further view of Larson teaches the access point according to claim 27 (as discussed above).

b. Cotton when combined with IEEE_802.15 and Larson teaches the remaining claim limitations as discussed in the claim 20 rejection above. The motivation to combine is the same as the claim 20 rejection above.

Response to Amendment

22. These responses are to the amendment filed on August 27, 2009 by the Applicant where claims 11-14 and 22 are canceled, claims 10, 15, 16 and 19-21 are amended and claims 23-28 are new. Thus claims 10, 15-21 and 23-28 are pending in

this application.

23. Applicant's arguments with respect to the claim objections (page 8) to claim 20 have been considered and are persuasive in view of the amended claim (page 5). Objections to claim 20 as currently amended are withdrawn.

24. Applicant's arguments with respect to the specification objections (page 8) have been fully considered and are persuasive in view of the amended specification (page 2). Objections to the specification as currently amended are withdrawn.

25. Applicant's arguments with respect to the rejection of claims 10-12 and 21-22 under U.S.C. 102(b) over Cotton and the rejection of claims 13-18 under 35 U.S.C. 103(a) over Cotton and IEEE Standard 802.15.1-2002l have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL NOBILE whose telephone number is (571) 270-7695. The examiner can normally be reached on MON - THUR: 7:00AM - 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D.N./
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617